

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants : Kevin D. Satterfield et al.
Application No. : 09/516,428 Confirmation No. : 3649
Filed : March 1, 2000
For : INTERACTIVE WAGERING SYSTEM WITH
CRITERIA WAGERING
Art Unit : 3628
Examiner : Akiba K. Robinson Boyce
Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450 New York, New York
Alexandria, Virginia 22313-1450 January 6, 2009

AMENDED APPEAL BRIEF - REPLACEMENT SECTION

Sir:

In response to the December 17, 2008 Notification of Non-Compliant Appeal Brief, appellants are submitting this Amended Appeal Brief pursuant to 37 C.F.R. § 41.37(d). Pursuant to MPEP § 1205.03, this Amended Appeal Brief only includes the defective "Summary of Claimed Subject Matter" section and is not an entire new brief.

Appellants believe that no fee is required connection with this Amended Appeal Brief. However, the Director is hereby authorized to charge any fees that may be due, or credit any overpayment of the same, to Deposit Account No. 06-1075.

REPLACEMENT SECTION

(v) Summary of Claimed Subject Matter

Independent claim 1 recites a method for interactive wagering with an interactive wagering application. A user is allowed to use the interactive wagering application to select desired wagering criteria (*see, e.g.*, FIGS. 2 and 3 and page 30, line 7 - page 32, line 27). Racing data is received about a plurality of races (*see, e.g.*, FIG. 1 and page 11, line 17 - page 12, line 23). The interactive wagering application determines whether a desired wagering opportunity exists by comparing at least a portion of the received racing data to the wagering criteria (*see, e.g.*, page 2, lines 26-31 and page 39, lines 9-22). For example, the interactive wagering application may identify that a particular wagering opportunity exists when the received racing data includes a particular horse's name, racetrack surface, or racetrack distance. The interactive wagering application is then used to automatically take a particular action in response to determining that a desired wagering opportunity exists, wherein the particular action comprises at least providing a notification to the user that the desired wagering opportunity exists (*see, e.g.*, page 39, line 8 - page 40, line 28).

Similarly, independent claim 34 recites a computer-readable medium for use in an interactive wagering system. The computer-readable medium comprises computer-readable instructions for allowing a user to select desired wagering criteria (*see, e.g.*, FIGS. 2 and 3 and page 30, line 7 - page 32, line 27), receive racing data about a plurality of races (*see, e.g.*, FIG. 1 and page 11, line 17 - page 12, line 23), determine whether a desired wagering opportunity exists by

comparing at least a portion of the received racing data to the wagering criteria (*see, e.g.*, page 2, lines 26-31 and page 39, lines 9-22), and automatically taking a particular action in response to determining that a desired wagering opportunity exists, wherein the particular action comprises at least providing a notification to the user that the desired wagering opportunity exists (*see, e.g.*, page 39, line 8 - page 40, line 28).

Independent claim 29 recites a method for interactive wagering with an interactive wagering application implemented using a set-top box connected to a television (*see, e.g.*, user television equipment 22). A user is provided with an opportunity to select a given horse using the interactive wagering application (*see, e.g.*, FIG. 2 and page 30, line 7 - page 32, line 27). Racing data is received about a plurality of races (*see, e.g.*, FIG. 1 and page 11, line 17 - page 12, line 23). The interactive wagering application determines if a given horse is to run in a race by comparing at least a portion of the received racing data to an identification of the given horse (*see, e.g.*, FIGS. 5 and 6 and page 33, lines 17-29). The interactive wagering application is used to automatically provide a notification to the user that the horse is to run in a race and place a wager for that horse (*see, e.g.*, page 2, lines 26-31 and page 39, line 8 - page 40, line 28).

Similarly, independent claim 32 recites an interactive wagering system including user television equipment (*see, e.g.*, user television equipment 22) configured to provided the user with an opportunity to select a given horse using the interactive wagering application (*see, e.g.*, FIG. 2 and page 30, line 7 - page 32, line 27), receive racing data about a plurality of races (*see, e.g.*, FIG. 1 and page 11, line 17 - page 12, line 23), determine if a given horse is to run in a

race by comparing at least a portion of the received racing data to an identification of the given horse (see, e.g., FIGS. 5 and 6 and page 33, lines 17-29), and automatically provide a notification to the user that the horse is to run in a race and place a wager for that horse (see, e.g., page 2, lines 26-31 and page 39, line 8 - page 40, line 28). A transaction processing and subscription management system handles the automatically placed wager (see, e.g., transaction processing and subscription management system 24).

Appellants respectfully request that the above replacement section be replaced with the corresponding section submitted in the Appeal Brief filed on November 18, 2008.

Early and favorable consideration is respectfully requested.

Respectfully submitted,
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